

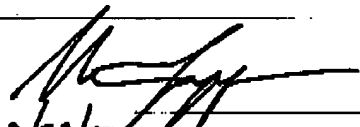
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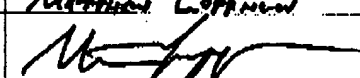
TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/804,285
	Filing Date	03/19/2004
	First Named Inventor	Pecen, Mark E. et al.
	Art Unit	2617
	Examiner Name	Sabouri, Mazda
Total Number of Pages in this Submission	Attorney Docket Number	CS90103

ENCLOSURES		(check all that apply)
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs Remarks _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input type="checkbox"/> Response to Restriction Requirement <input type="checkbox"/> Associate Power of Attorney <input type="checkbox"/> Transmittal Form <input type="checkbox"/> Facsimile Transmittal <input type="checkbox"/> Pre-Appeal Request for Review

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Matthew C. Loppnow	Registration No.	45,314
Signature			
Date	2/27/07		

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Matthew C. Lippnow

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PECEN, Mark. et al.

EXAMINER: Sabouri, M.

SERIAL NO.: 10/804,285

GROUP: 2617

FILED: March 19, 2004

CASE NO.: CS90103

ENTITLED: APPARATUS AND METHOD FOR HANDOVER BETWEEN TWO NETWORKS DURING AN ONGOING COMMUNICATION

Motorola, Inc.
Intellectual Property Department
600 North U.S. Highway 45
Libertyville, IL 60048

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Further to the Notice of Appeal filed concurrently herewith, Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request. The review is requested for the reasons stated in the remarks below.

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REMARKS

Claims 1, 3-12, 15-25, 27-31, and 33-41 are pending in this application.

The Office Action rejects, under 35 U.S.C. § 102, claims 1, 3-12, 14-16, 18-21, 23-31, 33-38, and 40-41 over Haarsten (U.S. Patent No. 6,112,088). The Office Action also rejects, under 35 U.S.C. § 103, claim 17 over Haarsten and Haddad (U.S. Patent Pub. No. 2003/0117978) and claims 2, 13, and 32 over Haarsten and Kallio (U.S. Patent Pub. No. 2002/0147008). While claims 2, 13 and 32 are no longer pending, the Response to Arguments section appears to impart the respective rejections onto pending claims 1, 5, 21, 31, 35, and 38. The Office Action comments on claims 22, 39, and 41, but does not explicitly reject them based on a statutory basis or cited reference and only "notes" the rejection of claims 2, 13, 32, and 41. These rejections are respectfully traversed.

Applicants assert that the Office Action has clear errors because Haarsten and Kallio, alone or in combination, do not disclose or suggest the various combinations of, for example, sending a transfer request to a second radio access network requesting transfer of an ongoing communication from a first radio access network to the second radio access network, wherein the first radio access network is a cellular radio access network and wherein the second radio access network is a wireless local area network, as recited in independent claim 1. Various variations on similar concepts are recited in independent claims 5, 21, 31, 35, and 38 (see Request for Reconsideration After Final Rejection, pages 14-15).

In particular, Haarsten and Kallio do not disclose sending a transfer request to a wireless local area radio access network to a cellular radio access network requesting transfer of a communication from the cellular radio access network to the wireless local area network (page 11).

Kallio expressly teaches the opposite of what is claimed because it teaches initiating the transfer from a cellular radio access network to a wireless local area network by sending a transfer request to a cellular radio access network. Kallio requires the use of a base station at the cellular radio access network (page 12).

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Haarsten also teaches the opposite of what is claimed. In fact, the Office Action admits Haarsten fails to teach sending a transfer request to the wireless local area network requesting transfer of an ongoing communication from the cellular radio access network to the wireless local area network. In particular, Haarsten is directed to transferring a mobile terminal from a private network to a public land mobile network (page 12).

There is no disclosure in either reference of how a transfer request can be sent to a wireless local area network to transfer an ongoing communication from a cellular radio access network to the wireless local area network. One of ordinary skill in the art would have clearly understood the teachings of the references cannot perform the claimed features because the disclosed wireless local area networks were unregistered networks and could not coordinate with the cellular radio access network to perform the claimed features. Neither reference teaches one of ordinary skill in the art how to transfer an ongoing communication from the cellular radio access network to the wireless local area network by sending a transfer request to the wireless local area network. Such is a clear factual deficiency in the rejection.

Applicants further assert the Office Actions have not provided proper motivation to combine the references. None of the allegations of the Office Actions result in proper motivation (bottom of page 12 - page 13). In fact, Kallio teaches away from the claimed invention. In particular, a handover algorithm at the base station of the first radio access network is necessary to generate the handover request (pages 15-16).

Thus Haarsten and Kallio, alone or in combination, do not disclose or suggest, for example, sending a transfer request to a second radio access network requesting transfer of an ongoing communication from a first radio access network to the second radio access network, wherein the first radio access network is a cellular radio access network and wherein the second radio access network is a wireless local area network.

Therefore, Applicants respectfully submit that independent claims 1, 5, 21, 31, 35, and 38 define patentable subject matter. The remaining claims depend from the independent claims and therefore also define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103.

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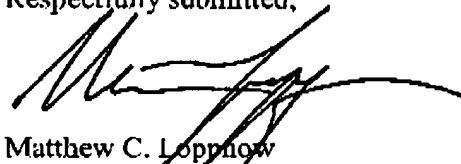
CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

Respectfully submitted,



Matthew C. Loppnow
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Registration No. 45,314

Dated: February 27, 2007

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